

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NOHEME PEREZ,

Plaintiff,

-v-

CITY OF NEW YORK, individually and in their official
capacities as police officers, YVONNE EDWARDS,
GEOFFREY WYRICK and JOHN or JANE DOE 1-10,

Defendants.

20-cv-1359 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The parties are invited to submit supplemental letter briefs no longer than three single-spaced pages to be filed on ECF no later than September 12, 2022 addressing the following question: Assuming that the Court concludes that Defendants cannot prevail on their favorable termination argument and further that the undisputed evidence supports the existence of probable cause as to the charges of aggravated unlicensed operation of a motor vehicle (NY VTL § 511(1)(a)) and unlicensed driving (NY VTL § 509(1)), must Defendants also demonstrate the absence of a genuine issue of fact as to probable cause on each of the other charges contained in the criminal complaint to be entitled to summary judgment. In addressing this question, the parties specifically are invited to consider *Posr v. Doherty*, 944 F.2d 91 (2d Cir. 1991) and *Daniels v. Gladstone*, 2019 WL 3502924 (E.D.N.Y. July 31, 2019) and whether the determination of the existence or absence of probable cause must be made on a charge-specific basis. Assuming that the analysis must be made on a charge-specific basis under some circumstances, the parties are to address the question whether probable cause must be demonstrated for a charge such as driving while impaired that carries a lesser criminal sanction than the charge of aggravated unlicensed operation of a motor vehicle.

SO ORDERED.

Dated: September 6, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge